

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CODY DIJKSTRA,  
Plaintiff,

v.

I. CAMPOS GARCIA,  
Defendant.

No. 1:22-cv-00310-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(ECF Nos. 2, 10)

ORDER DISMISSING ACTION WITHOUT  
PREJUDICE

ORDER FOR CLERK TO CLOSE CASE

Cody Dijkstra (“Plaintiff”) is a state prisoner proceeding *pro se* in this in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 6, 2022, the assigned magistrate judge entered findings and recommendations, recommending that this case be dismissed without prejudice because Plaintiff “filed this case based on the mistaken belief that he was supposed to re-file his complaint.” (ECF No. 10, p. 2).

The parties were provided an opportunity to file objections to the findings and recommendations. On April 22, 2022, plaintiff filed what the Court construes as his response, in which he indicates that he wants this case (Case No. 1:22-cv-00310) to be voluntarily dismissed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, IT IS ORDERED that:

1. The findings and recommendations issued on April 6, 2022, are adopted in full;
2. This action is dismissed without prejudice;
3. Plaintiff's application to proceed *in forma pauperis* is denied as moot; and
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: July 15, 2022

  
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SENIOR DISTRICT JUDGE